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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Lars Branden

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EXAMINER

LU, FRANK WEI MIN

ART UNIT

PAPER NUMBER

1634

MAIL DATE

DELIVERY MODE

12/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/505,336	Applicant(s) BRANDEN ET AL.	
	Examiner FRANK W. LU	Art Unit 1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2008 and 12 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23, 26-28, 30 and 34 is/are pending in the application.
- 4a) Of the above claim(s) 21-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-28, 30 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. Applicant's response to the office action filed on July 18, 2008 and the supplemental response filed on September 12, 2008 have been entered. The claims pending in this application are claims 21-23, 26-28, 30, and 34 wherein claims 21-23 and 30 have been withdrawn due to the restriction requirement mailed on November 15, 2007. Rejection and/or objection not reiterated from the previous office action are hereby withdrawn in view of applicant's amendment filed on July 18, 2008. Since new claim 34 is added and now claim 30 is dependent on claim 34, claims 26-28, 30, and 34 will be examined.

Election/Restrictions

2. This application contains claims 21-23 drawn to an invention nonelected with traverse in the reply filed on December 17, 2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Oath/Declaration

3. The oath/declaration filed on September 12, 2008 has been accepted by the office.

Specification

4. The abstract of the disclosure filed on July 18, 2008 is objected to because applicant has not submitted an abstract with markings to show all the changes relative to the previous version of the abstract. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claim 26 is objected to because of the following informality: (1) “a specific binding element” in line 8 of the preamble should be “the specific binding element”; and (2) “step i) -iv)” in step vi) should be “steps i) -iv)”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 26-28, 30, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 26 is rejected as vague and indefinite because the phrase “a target sequence corresponding to a specific binding element” in the preamble does not make sense. Does this phrase mean a target sequence which binds to said specific binding element? Please clarify.

9. Claim 26 is rejected as vague and indefinite in view of the preamble and steps i) and ii). Since the preamble only contains a specific binding element while steps i) and ii) contain a first binding element and a second binding element, it is unclear what is the relationship among a specific binding, a first binding element and a second binding element. Please clarify.

10. Claim 26 is rejected as vague and indefinite in view of the preamble and steps i) to iv). Since the preamble only contains at least two functional elements while steps i) to iv) contain a first functional element and a second functional element, it is unclear what is the relationship

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among at least two functional elements, a first functional element and a second functional element. Please clarify.

11. Claim 26 is rejected as vague and indefinite because phrase “optionally repeating steps i) - iv) for further functional elements and binding elements and forming stock solutions thereof” does not make sense since steps i) - iv) can be repeated using the first and second functional elements and the first and second binding elements and cannot be repeated using further functional elements and binding elements. Please clarify.

12. Claim 26 is rejected as vague and indefinite in view of the preamble and step v). Since the preamble only contains a target molecule or area while step v) contain a first and second target molecules or areas, it is unclear what is the relationship among a target molecule or area and a first and second target molecules or areas. Please clarify.

13. Claim 26 is rejected as vague and indefinite in view of the preamble and steps v) and vi). Since the steps v) and vi) of the claim do not require a first and second target molecules or areas and only requires self-assembly of the molecular combinations of any one of steps i) -iv) to the linker of step v) in the desired configuration by addition of said linker in solution, it is unclear why a biomolecular complex comprising at least two functional elements, at least two functional elements and at least two target molecules or areas can be formed as recited in the preamble of the claim. Please clarify.

14. Claim 26 is rejected as vague and indefinite in view of step vi) because it is unclear that said linker is added to what solution. Please clarify.

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15. Claim 27 is rejected as vague and indefinite because it is unclear that the linker molecule is one of the linker molecules in step (d) or one of at least one first linker molecule and optionally a second linker molecule in step (j). Please clarify.

16. Claim 28 is rejected as vague and indefinite because it is unclear that the binding elements are the least two binding element in step (c) and specific binding elements in step (j). Please clarify.

17. Claim 30 is rejected as vague and indefinite because the phrase “a fraction of any of the preceding” does not make sense since the word “preceding” is an adjective and is not a noun. Please clarify.

18. Claim 34 is rejected as vague and indefinite because step (g) do not make sense since step (e) does not require said first functional element while step (f) does not require said second functional element. Please clarify.

19. Claim 34 is rejected as vague and indefinite in view of step (h) because it is unclear what is the relationship among a first target molecule or area in step (a), a second target molecule or area in step (b), and at least two target molecules or areas in step (h). Furthermore, it is unclear what is the relationship among the first and second functional elements, the least two binding element, and the first and second target molecules in steps (a) to (g) and functional elements, a specific binding element and target molecule in the phrase “a combination of functional elements attached to a specific binding element and target molecule” in step (h). Please clarify.

20. Claim 34 is rejected as vague and indefinite in view of step (i) because there is no word “combination” in steps (e) and (f). Please clarify.

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21. Claim 34 is rejected as vague and indefinite in view of step (j) because it is unclear what is the relationship among function elements in a library of combinations of functional elements, said linkers and said first and second function elements, what is the relationship among the least two binding element in step (c) and a specific binding element in step (j), and what is the relationship among the linker molecules in step (d), at least one first linker molecule and optionally a second linker molecule. Please clarify.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. No claim is allowed.

24. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30

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(November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is (571)273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (571)272-0746.

The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571)272-0735.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

/Frank W Lu /
Primary Examiner, Art Unit 1634
December 24, 2008